

05/17/23 BCC AGENDA SHEET

SHOPPING CENTER
(TITLE 30)

RAINBOW BLVD/OQUENDO RD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

UC-23-0135-RAINBOW 26 LLC:

USE PERMITS for the following: **1)** convenience store; **2)** gasoline station; and **3)** vehicle maintenance.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** alternative landscaping; **2)** reduce parking; **3)** reduce driveway approach and departure distances from the intersection; and **4)** allow a modified driveway design.

DESIGN REVIEWS for the following: **1)** alternative parking lot landscaping; **2)** a proposed shopping center; and **3)** finished grade on 3.8 acres in a C-1 (Local Business) (AE-60) Zone in the CMA Design Overlay District.

Generally located on the east side of Rainbow Boulevard and the north side of Oquendo Road within Spring Valley. MN/lm/syp (For possible action)

RELATED INFORMATION:

APN:

163-35-101-012; 163-35-101-019

WAIVERS OF DEVELOPMENT STANDARDS:

1.
 - a. Allow alternative landscaping with attached sidewalk along local streets (Quail Avenue and Oquendo Road) where detached sidewalk and landscaping is required per Figure 30.64-17.
 - b. Allow medium semi-evergreen and large deciduous trees where large Evergreen trees are required adjacent to drive-thru along a street frontage (Rainbow Boulevard) per Section 30.64.660.
 - c. Allow trees on one side of a sidewalk where required on both sides of a sidewalk (Rainbow Boulevard) per Figure 30.64-17.
 - d. Reduce parking lot landscape strip width to 5 feet where 8 feet is required per Figure 30.64-14 (a 37% reduction).
2. Reduce parking to 132 spaces where 133 spaces are required per Table 30.60-1 (a 0.7% reduction).
3.
 - a. Reduce the approach distance from a driveway to a street intersection (Uniform Standard Drawing 222.1) to 93 feet along Oquendo Road where 150 feet is the minimum per Chapter 30.52 (a 38% reduction).
 - b. Reduce the departure distance from a driveway to a street intersection (Uniform Standard Drawing 222.1) to 88 feet along Quail Avenue where 190 feet is the minimum per Chapter 30.52 (a 53% reduction).

- c. Reduce the departure distance from a driveway to a street intersection (Uniform Standard Drawing 222.1) to 186 feet along Rainbow Boulevard where 190 feet is the minimum per Chapter 30.52 (a 3% reduction).
4. Reduce driveway throat depth to 20.5 feet where 25 feet is required per Uniform Standard Drawing 222.1 (a 18% reduction).

DESIGN REVIEWS:

1. Alternative parking lot landscaping where landscaping per Figure 30.64-14 is required.
2. Proposed shopping center.
3. Increase finished grade up to 5 feet where a maximum of 3 feet is the standard per Section 30.32.040 (a 66% increase).

LAND USE PLAN:

SPRING VALLEY - NEIGHBORHOOD COMMERCIAL
SPRING VALLEY - CORRIDOR MIXED-USE

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 3.8
- Project Type: Shopping center
- Number of Stories: 1
- Building Height (feet): Up to 35
- Square Feet: 29,485 (total shopping center)/3,327 (automobile maintenance)/15,650 (retail)/4,450 (convenience store with quick serve restaurant)/3,060 (fuel canopy)/2,161 (drive-thru restaurant – Starbucks)/837 (drive-thru restaurant – Salad and Go)
- Parking Required/Provided: 133/132

Site Plan

The project consists of 1 in-line retail building, an automobile maintenance building, a convenience store with a fuel canopy, and 2 restaurants with drive-thru's. Access to the site is from a main entrance driveway on Rainbow Boulevard, with secondary entrances on Oquendo Road and Quail Avenue. The larger in-line retail building (Building B) is located near the northeastern portion of the site, which faces west towards Rainbow Boulevard. A vehicle maintenance building is located at the southeastern portion of the site with the roll-up doors facing north. The convenience store with a gasoline station is located at the southwest portion of the site. The 2 restaurants are located within the northwest portion of the site. The southerly restaurant with drive-thru (Starbucks) includes an outside dining area on the west side of the building. The parking for the site is evenly distributed throughout the site and provided near entrances for all proposed buildings, including 10 bicycle parking spaces. Drive aisles range in size throughout the site for two-way aisles from 24 feet wide to 32 feet wide. There are 2 loading spaces located in the southerly portion of the site, and trash enclosures are disbursed throughout the site. This request also includes a waiver of development standards to reduce

driveway approach and departure distances from the intersections and reduce the driveway throat depth along Quail Avenue and Oquendo Road.

Landscaping and Lighting

Along Rainbow Boulevard, there is a proposed 15 foot wide landscape area with a detached 5 foot wide sidewalk with Desert Museum Palo Verde and Chinese Pistache provided adjacent to the drive-thru's at the east side of the sidewalk. There is a 10 foot wide landscape area behind an attached 5 foot wide sidewalk along Quail Avenue and a 5 foot to 10 foot wide landscape area behind an attached 5 foot wide sidewalk along Oquendo Road. On the interior of the site, landscaping is distributed throughout the parking areas. There are some areas in the parking lot that do not provide a landscape finger every 6 spaces, thus requiring the design review for alternative parking lot landscaping. The parking areas between the 2 restaurants include 2 parking lot landscape strips that are 5 feet wide and adjacent to the one-way drive aisle provided for on-site circulation. Parking lot lighting is shown throughout the site.

Elevations

The vehicle maintenance shop (Building A), in-line retail (Building B), and convenience store, have an overall height of 27.5 feet. The gasoline canopy has an overall height of 20.5 feet with enhanced materials to match the proposed retail buildings. The southerly restaurant (Starbucks) has an overall height of 21 feet, and the northerly building (Salad and Go) has an overall height of approximately 20.5 feet. The buildings have a contemporary architectural design consisting of painted stucco exterior with metal canopies, glass storefronts, and vertical and horizontal reveal lines. There are surface plane and color variations consisting of walls that are slightly off set with contrasting design schemes. The heights of the buildings vary and have been designed to break-up the roofline and enhance the overall look of the buildings.

Floor Plans

The plans depict a total structure roof area of 29,485 and 26,425 square feet distributed between the 5 proposed retail buildings. The larger in-line retail building has an area of 15,650 square feet and can be divided into 13 lease spaces. The automobile maintenance building has an area of 3,327 square feet, and the convenience store includes 3,200 square feet with a 1,250 square foot quick serve restaurant tenant space and a 3,060 square foot fuel canopy. The southerly restaurant (Starbucks) includes 2,161 square feet, and the northerly restaurant (Salad and Go) includes 837 square feet.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed uses for the shopping center are compatible with the surrounding community. To help mitigate the reduction in parking lot landscape fingers and strip areas, larger landscape terminal islands have been provided. Additionally, providing a 15 foot wide landscape buffer adjacent to the street frontages would further reduce parking. Additional medium and large trees are provided in the parking areas to mitigate the reduction in the parking lot landscape strip area. Providing the required approach and departure distances

would negatively impact the site design, including the parking lot layout. The increased fill is required for the development of the site.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-21-0545	Shopping center with waivers for alternative parking (parking lifts) and site design	Approved by BCC	January 2022
NZC-20-0427	Reclassified to M-D zoning for an office/warehouse complex with a use permit for future retail uses in a manufacturing zone	Withdrawn	December 2020
DR-0439-05	Retail center on the northern parcel - expired	Approved by PC	May 2005
ZC-1936-03	Reclassified the northern parcel to C-1 zoning for future commercial development	Approved by BCC	January 2003
ZC-0181-97	Reclassified the southern parcel to C-1 zoning for an office/retail complex	Approved by BCC	April 1997
UC-1905-97	Convenience store, gas station, and car wash	Approved by BCC	January 1997

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Public Use	R-E	Electrical substation & cell tower site
South	Neighborhood Commercial	C-1	Office complex
East	Neighborhood Commercial & Corridor Mixed-Use	C-P & C-1	Office building & undeveloped
West	Corridor Mixed-Use	C-2 & C-1	Office/retail building & undeveloped

Related Applications

Application Number	Request
VS-23-0136	A request to vacate and abandon patent easements and a portion of right-of-way (Rainbow Boulevard) is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Comprehensive Planning

Use Permits

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Master Plan. One of several criteria the applicant must

establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Similar commercial uses exist to the northwest of the subject property. Furthermore, Rainbow Boulevard is a major thoroughfare and retail area. Staff finds that the proposed uses within a shopping center at this location will not result in a substantial or undue adverse effect on nearby residential properties, traffic conditions, parking, public improvements, or other matters affecting the public's health, safety, or general welfare.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Staff finds that providing a buffer from the vehicle travel lanes increases pedestrian safety. If the design included detached sidewalks, and the internal drive aisles were reduced a few feet to match the Code's minimum design standards, there could be enough space to provide the required landscaping along Oquendo Road and Quail Avenue. The proposed drive aisles, as designed, could be reduced to allow for greater street and parking lot landscaping areas. The proposed landscaping located adjacent to the drive-thru's and arterial street (Rainbow Boulevard) could provide different tree types that could meet the CMA standard of large evergreen trees on areas that are outside of the sight visibility zone. Staff is unable to support the request as designed.

Waiver of Development Standards #2 & Design Reviews #1 & #2

The loss of 1 parking space within the overall parking areas would not have an adverse effect on the use of the shopping center. The reduction in parking spaces provided is minimal, and staff can support that portion of the request. The proposed buildings are constructed with decorative materials and have parapet walls at varying heights to break-up the horizontal roofline. The buildings will have architectural enhancements such as cornice moldings, pop-outs, aluminum storefront systems, and stone veneer to enhance their visual appearance. The design of the parking lot will not have a landscape finger every 6 spaces in some areas of the parking lot; however, the plant material is essentially distributed in other areas of the site (along the east property line) to compensate for the landscape fingers. However, since staff is unable to support waivers #1a through #1c; staff recommends denial of the design reviews.

Public Works - Development Review

Waiver of Development Standards #3a & #4

Staff can support the reduction in throat depth and reduced approach distance for the Oquendo Road driveway. The driveway will have a median to force egress traffic to make right turn movements out of the site onto Oquendo Road, helping to mitigate potential conflict caused by the reductions.

Waiver of Development Standards #3b & #3c

Staff has no objection to the reduction in departure distance for both the Rainbow Boulevard and Quail Avenue driveways. Although the Rainbow Boulevard driveway is a few feet shy of the requirement, the bus turnout/right turn lane meets the minimum taper and storage dimensions, so the reduction will not be noticeable. The Quail Avenue driveway is as far east as possible.

Design Review #3

This design review represents the maximum grade difference within the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Staff Recommendation

Approval of the use permits and waivers of development standards #2, #3, #4, and design review #3; denial of waivers of development standards #1 and design reviews #1 and #2.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Comprehensive Planning

If approved:

- Expunge WS-21-0545;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the installation and use of cooling systems that consumptively use water will be prohibited; the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Oquendo Road, 5 feet for Rainbow Boulevard and associated spandrels;

- Install a median island in the Oquendo Road driveway to prevent left turns out of the driveway;
- Install "No Left Turn" signage at the Oquendo Road driveway to prevent left turns out of the driveway.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way; and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Fire Prevention Bureau

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0376-2021 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Spring Valley - approval of the use permits, waivers of development standards #2, #3, and #4, and design review #3; denial of waiver of development standards #1 and design reviews #1 and #2 (no left turn onto Oquendo Road).

APPROVALS:

PROTESTS:

APPLICANT: NATHALIA DEVERA

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